

DIST/OFFICE	DOCKET YR. NUMBER	FILING DATE MO. DAY YEAR	J	N/S	O	R	R 23	DEMAND \$	OTHER	JUDGE NUMBER	JURY DEM.	DOCKET YR. NUMBER
1085/4	76 0421	08 06 76	4	195	1	13		241		<del>8903</del> <del>8509</del> <del>8510</del> <del>8512</del>	P	76 0421- <del>B</del> <del>E</del> <del>F</del>

PLAINTIFFS

DEFENDANTS

M. J. BRAGG

FORETRAVEL, INC. and  
CHRYSLER MOTOR CORPORATION

CAUSE

28 U.S.C.A. 1332 (a)(1) and 28 U.S.C.A. 1391 (a) Action for the recovery of damages caused by fire to a motorhome (Breach of Warranty and Negligence)

ATTORNEYS

William J. Dale *1406 B. Johnstone*  
City Plaza West, 5310 E. 31st St.  
~~Suite 410~~ 2624 E. 21, Suite 5  
Tulsa, OK ~~74135~~ 74114 *Bartlesville*  
918/ 749-9994 *918-336-0543 OK 74003*

Alex Cheek & C. Wm. Threlkeld  
311 North Harvey Ave.  
Oklahoma City, OK 73102  
405/272-0621

Rodney Hayes  
CHEEK, CHEEK & CHEEK  
P.O. Box 26131  
Oklahoma City, OK 73126  
405/272-0621

James R. Meredith  
Mr. Dale F. McDaniel (Foretravel)  
Whitten, McDaniel, Osmond  
Goree and Davies *2865 E*  
~~2626 East 21st Street~~ *Skelly Dr.*  
Tulsa, Oklahoma ~~74114~~ *74114*  
~~664-1015-149-6640~~ *74105*  
Edward L. Ray (Crysler)  
William G. Smith  
Fenton, Fenton, Smith,  
Reneau & Moon  
405 Midland Center  
P. O. Box 1638  
Okla. City, OK 73101  
405/235-4671

CHECK HERE IF CASE WAS FILED IN FORMA PAUPERIS	FILING FEES PAID			STATISTICAL CARDS	
	DATE	RECEIPT NUMBER	C.D. NUMBER	CARD	DATE MAILED
				8-1-81	09-01-76
				99-8212	1-1-79

B

## PROCEEDINGS

DATE 1976	NR.	
8-6	1.	Complaint, filed. Summons issued.k
8-18		Return on USM. <sup>/filed (complaint &amp; summons)</sup> Served Clarence M. Fore by serving Fay Fore at Nacogdoches, Texas, on 8-11-76(fee \$22.24) ; and Chrysler Motor Corp. by serving The Corporation Co. (fees \$4.00) at Okla. City, Okla. on 8/9/76.s
8-27	2.	Ans. of Deft. Foretravel, Inc., filed.s
8-30	3.	Separate mot. to make more definite and certain, filed by deft. Chrysler Motor Corp.k
8-30	4.	Separate brief in support of deft. Chrysler's mot. to make more definite & certain, filed.k
8-30	MO	It is ordered by the Court that the Pltf. file a responsive brief w/in 10 days to deft. Chrysler's mot. to make more definite & certain. (AEB-J)k cps mld
9-9	5.	Pltf's brief in response to Deft. Chrysler Motor Corp.'s motion to make more definite and certain pltf's petition, filed.s
9-16	6.	Deft. Chrysler Motor Corp.'s response brief to pltf's response to deft. Chrysler Motor Corp.'s mot. for more definite statement, filed.s
9-24	MO	Case referred to Mag. Bradford for F&R re pending mots. (AEB-J)k
11-5	7.	Order, filed, that deft. Chrysler's mot. for more def. statement be & is hereby overruled.s (AEB-J) cps. mld.
11-15	8.	Separate Answer of Chrysler Motor Corporation, filed. lm
11-17	9.	Pltf's reply to answer of deft. Chrysler, filed.k
11-17	10	Pltf's first interrogs. to deft. Foretravel, filed.k
<u>1977</u>		
1-11	11	Pltf's <u>DEMAND FOR JURY TRIAL</u> , filed.s
1-13	MO	Parties are directed to hold PT conf. on or before 2-25-77 & file PT Order on or before 3-4-77. (AEB-J)k cps mld
1-20	12	Deft. Foretravel, Inc.'s motion for S/J, filed.s
1-20	13	Deft. Foretravel, Inc.'s brief in support of mot. for S/J, filed.s
1-20	MO	It is ordered by the Court that the Pltf. file a responsive brief within ten (10) days to deft. Foretravel, Inc.'s mot. for S/J.s (AEB-J) cps. mld.
1-28	14.	Pltf's appl. for ext. to respond to deft. Foretravel's mot. for S/J, filed.s 0 part of appl. 0 to J
2-1	--	Order, fld. as part of appl., granting Pltf. until 2-15-77 to file response to Deft.'s mot. for S/J. (AEB-J)v -cps. mld.
2-15	15.	Response brief to Defts.' mot. for summary judgment, fld. v
3-2	16	Deft., Foretravel, Inc., answers to pltf. first interrog. fld. ho
5-11	MO:	Case referred to Magistrate Robert S. Rizley for Findings and Recommendations on all motions. (AEB-J) njb
6-8	MO	Case set for hrg. on Deft. Foretravel's Motion for S/J before Mag. on 6-24-77 at 10:00 a.m. (RSR-Mag)k ntc by KT
6-20	17	Deft. Chrysler Motor Corp., mot. for S/J. fld. ho
6-20	18	Deft. Chrysler Motor Corp., brief in supp. of mot. for S/J. fld. ho
6-20	MO	It is ordered by the Ct. that the Pltf. file a responsive brief w/in 10 days to Deft., Chrysler Motor Corp. mot. for S/J. (AEB-J) cps mld. ho
6-20	MO	Hrg. on deft. Foretravel's mot. for S/J set for 6-24-77 at 10:00 a.m. is stricken and re-set with deft. Chrysler's mot. for S/J on 7-8-77 at 11:00 a.m. (RSR-Mag)k ntc by KT

## CIVIL DOCKET CONTINUATION SHEET

B

PLAINTIFF		DEFENDANT	DOCKET NO. 76-C-421
M. J. BRAGG		FORETRAVEL, INC., et al	PAGE 3 OF 2 sheets <del>XXXXX</del>
DATE	NR.	PROCEEDINGS	
1977			
6-23	MO	Case set for hrg. before Mag. on Defts.' Motions for S/J on 7-8-77 at 11:00 a.m. (RSR-Mag)k ntc by KT	
6-29	19	Pltf. response brief to Defts., Chrysler Motor Corp., mot. for S/J. fld. ho	
7-8	Min	Case called for hrg. on defts.' motions for S/J. Parties represented. Motions taken under advisement. Pltf. given 30 days to amend compl. and defts. given 30 days thereafter to file responsive pleadings. (RSR-Mag)k	
7-13	20	Deft. Chrysler Motor Corp. interrog. to M. J. Bragg. fld. ho	
8-5	21	Pltf. brief in supp. of Pltfs. contention. fld. ho	
8-15	22	Pltf. affid. of Wm. J. Dale in opposition to Defts. mot. for S/J. fld. ho	
8-23	23	Pltf. appl. for ext. of time to ans. interrog. fld. ho 0 to J.	
8-25	24.	Order, filed, allowing 30 days ext. to ans. interrog. of Deft. Chrysler. (AEB-J)b cps mld	
8-26	25	Pltf's application for enlargement of time to amend petition, fld. ra (0 to J)	
8-29	MO	Pltf. is granted 30 days to amend his compl. & defts. are granted 30 days thereafter to respond. (RSR-Mag)k cps by KT	
9-7	26	Pltf. amendment to compl. fld. ho	
9-19	27	Deft. Foretravel's answer to amendment of pltf's compl., filed.k	
9-19	28	Deft. Foretravel's mot. for S/J, filed.k	
9-19	29	Deft. Foretravel's brief in support of mot. for S/J., filed.k	
9-19	MO	It is ordered by the Court that the Pltf. file a responsive brief w/in 10 days to deft. Foretravel's mot. for S/J. (AEB-J)k cps mld	
9-29	30	Pltf. ans. to Defts. Chrysler interrog. fld. ho	
9-29	31	Pltf. mot. for enlargement of time to respond to Mot. for S/J. fld. ho 0 to J.	
10-5	32	Order, filed, granting pltf. until 11-5-77 to respond to deft. Foretravel's motion for S/J. (AEB-J)k cps mld to movant	
10-7	33	Deft. Chrysler Corp. ANS. to pltf's amend. compl., filed. lm	
10-11	34	Pltf's brief in response to deft. Foretravel's mot. for S/J, filed.k	
10-28	MO	Case called for hrg. before Mag. on deft. Foretravel's mot. for S/J on 11-10-77 at 1:30 p.m. (RSR-Mag)k ntc by KT	
11-9	35.	Pltf's brief in opposition to deft. Foretravel's mot. for S/J, filed.k	
11-9	36.	Appl. of Alex Cheek to enter appearance as co-counsel for pltf., fld.k	
11-10	Min	Case called for hrg. before the Mag. on deft. Foretravel's mot. for S/J. Parties represented. Deft. given 10 days to file affidavits in support of mot. for S/J and pltf. given 10 days thereafter to file counter affidavits and briefs, following which F&R will be made. (RSR-Mag)k	
11-11	37.	Order, filed, allowing Alex Cheek to enter appearance as co-counsel for pltf. (AEB-J)k cps mld to movant	
11-17	38	Appl. of C. Wm. Threlkeld to enter appearance as co-counsel for Pltf. fld. ho 0 to J.	
11-18	39.	Order, filed, allowing C. Wm. Threlkeld to enter appearance as pltf. co-counsel. (AEB-J)k cps mld to movant	

## CIVIL DOCKET CONTINUATION SHEET

B

PLAINTIFF		DEFENDANT	DOCKET NO. _____
			PAGE ____ OF ____ PAGES
DATE	NR.	PROCEEDINGS	
11-21	40	Pltf. affids. of George Greene, Jr., M.J. Bragg & affid. of Norman H. Sachnik in opposition to Defts. mot. for S/J. fld. ho	
11-30	41	Defts. appl. for ext. of time to respond to affid. fld. on behalf of Pltf. fld. ho 0 to J.	
12-6	42	Order, filed, granting defts. 45 days to respond to affidavits on behalf of pltf., filed.k cps mld to movants	
1978			
1-11	43.	Deft. Chrysler's reply to pltf's response & suppl. to mot. for S/J of said deft., filed.k	
1-11	44.	Deft. Chrysler's supplemental brief in support of mot. for S/J, fld.k	
1-13	45	Deft. Foretravel reply to Pltfs. response to their mot. for S/J. w/supplemental brief in supp. of Deft. Foretravel mot. for S/J & in supp. of Deft. Foretravel reply to Pltfs. response, fld. ho	
3-29	MO	Mag. recommends that mots. of defts. Foretravel & Chrysler for S/J be overruled. Pltf. to prepare F&R and proposed order w/in 10 days. (RSR-Mag)k cps by KT	
5-11	MO	Upon the request of counsel for deft. Chrysler, case is set for further hrg. on defts' motions for S/J before the Mag. on 5-15-78 at 10:30 a.m. (RSR-Mag)k ntc by KT by phone	
5-15	Min	Case called for oral argument before the Mag. on deft. Chrysler's motion for S/J. Parties represented. Mag. recommends that mot. be sustained. Counsel for deft. Chrysler to prepare F&R and proposed order w/in 10 days. (RSR-Mag)k	
9-6	46	Separate Findings & Conclusions of the Mag. as to deft. Chrysler, filed. Mag. recommends that the mot. for S/J of deft. Chrysler be sustained & pltf's claim against said deft. be dismissed, and that the mot. for S/J of deft. Foretravel be overruled. (RSR-Mag)k cps mld	
9-15	47	Pltf. objection to Mag. finding & rulings, fld. ho	
9-18	MO	It is ordered that the Defts. are granted 10 days to file responsive briefs to Pltf. Objection to Mag. findings & rulings, (AEB-J)ho c/m	
9-18	48	Pltf. brief in supp. of objection to Mag. findings & rulings. fld. ho	
9-25	49	Deft. Foretravel, Inc. response to separate F/C of Mag. as to Deft. Chrysler & to obj. to Mag. findings & rulings of M. J. Bragg the Pltf. fld. ho	
9-27	50	Deft. Chrysler response to Pltfs. objections to Mag. F/R, fld. ho	
10-18	51.	Order, filed, that deft. Foretravel's mot. for S/J is overruled, deft. Chrysler's mot. for S/J is sustained, and pltf's objections to the F&R of the Mag. are overruled. (AEB-J)k cps mld	
10-18	52	Judgment in favor of deft. Chrysler Motor Corp. and against pltf., filed & entered. (AEB-J)k cps mld	
11-8	--	Depo. of M. J. Bragg taken on 11-10-76 in Tulsa, OK before Paul M. Potts, CSR w/fees of \$247.50 pd. by atty. for Defts. fld. ho	
11-17	MO	Parties are directed to hold a pre-trial conf. on or before 1-5-79 & file an agreed pre-trial order by 1-12-79. (AEB-J)k ntc mld	
1979			
1-9	53	Pre-trial order, filed. (AEB-J)k	

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## CIVIL DOCKET CONTINUATION SHEET

FPI-MAR

PLAINTIFF		DEFENDANT	DOCKET NO. _____
M. J. BRAGG		FORETRAVEL, INC., et al	PAGE ____ OF ____ PAGES
DATE	NR.	PROCEEDINGS	
1979 1-12		Deposition of Norman Sachnik, P.E., on behalf of deft. Foretravel, Inc., filed. g	
1-24	---	Letter from deft. counsel, filed as addtl. witness list.k	
1-24	MO:	Case is set for jury trial on 2-12-79, 10:00 A.M. (AEB-J)b nts cert w/affid	
2-5	54	Joint appl. for continuance, fld. ho 0 to J.	
2-8	55	Order, filed, striking case from 2-12-79 jury trial docket, to be reset on the April, 1979, jury trial docket. (AEB-J)k cps mld	
2-12	56	Pltf's appl. for amendment to pre-trial order, filed.k	
2-13	57	Order, filed, that <del>striking</del> stipulation be amended to the PTO (AEB-J)b cpy mov.	
3-16	MO	Case transferred to Judge H. Dale Cook. (JCS-Clk)k	
6-13	MO	<u>CASE SET FOR JURY TRIAL BEFORE JUDGE HOWARD C. BRATTON ON 7-30-79 AT 9:30 A.M.</u> Trial brfs., req. instruc. & req. voir dire due 7-13-79. (HDC-J)k ntc mld	
7-3	58	APPLICATION to enter appearance as co-counsel of record.ra (0)	
7-3	59	ORDER that Rodney Hayes of firm of Cheek and Cheek is allowed to enter his appearance as co-counsel for pltf.(HDC-J)ra cps to myt	
7-3	60	APPLICATION of pltf for continuance of jury trial.ra (0) <i>to be set on 7/30</i>	
7-5	MO:	ORDER that case is transferred to Judge H.C. Bratton.(HDC-J)ra	
7/6	61.	SECOND SET OF INTERROGS. by Pltf. to Deft. v	
7-10	—	<i>Bratton's Law clk. Ray Fowler, phoned. Said case cont. under review, phoned. v.</i>	
7/12	62.	ORDER STRIKING CASE FROM 7/30/79 JURY DOCKET. Case transferred back to Judge Cook. (HCB-J)v c/m	
8-1	63	ANSWERS TO PLTF's 2nd set of Interrog. b	
9-5	MO:	JURY TRIAL set 10-22-79, 9:30 A.M., before Judge Clarence A. Brimmer. Trial briefs, req. voir dire & req. instr. due 10-12-79.(HDC-J)b nts mld	
9-5	MO:	CASE TRANSFERRED to Judge Clarence A. Brimmer(HDC-J)b	
9-11	64	NOTICE-ORAL DEPOSITION by Pltf. to take depos. of C. M. Fore, James D. Moore, Don Lee & David Koonce on 9-24-79 at Nacogdoches, TX. ho	
10/3	-	File mailed to Judge Brimmer. v	
10/12		DEPOSITION of Robert J. Block, Ph.D. on behalf of pltf. (\$128.)g	

## CIVIL DOCKET CONTINUATION SHEET

FPI-MAR

PLAINTIFF		DEFENDANT	DOCKET NO. _____
B. J. BRAGG		FORETRAVEL, INC.	PAGE ____ OF ____ PAGES
DATE 1979	NR.	PROCEEDINGS	
10-15	65	TRIAL BRIEF memorandum of Pltf. ho	
10-15	66	REQUESTED VOIR DIRE questions of Pltf. ho	
10-15	67	REQUESTED INSTRUCTIONS of Pltf. ho	
10-16	68	REQUESTED Voir Dire questions of defts. rm	
10-16	69	REQUESTED instructions of defts. rm	
10-18	-	DEPOSITION of David Carlton Koonce, taken before Ruth E. Potts, CSR, on 9-28-79, on behalf of Pltf. (\$88.50) b	
10-22	70	PLTF's list of exhibits, voir dire & witnesses. b	
10/24	71.	Defts.' List of Witnesses. v	
10/24 10/25 10/26	Trial	JURY TRIAL HELD 10/24, 25 & 26/79. Deft.'s Mot. for Dismissal is denied. Pltf. moves for mistrial and Court denies. JURY RETURNS WITH VERDICT FOR THE DEFT., FORETRAVEL. (Trial exhibits are in manila envelope with the file except for Defts. 2,3 & 5, which are in IBM Toner box in exhibit room.)(CLARENCE A. BRIMMER, JUDGE)(Glenn Dorrough, Reporter)v	
10/26	72.	VERDICT finding for Deft. Foretravel and against Pltf. Bragg. v Filed in Open Court.	
10/26	73.	Pltf.'s Contentions and Requested Instructions. v	
10/26	74.	Statement of Deft.'s Contentions. v	
11-6	75	JUDGMENT, entered, It is ordered that Pltf. M. J. Bragg take nothing & that Deft. Foretravel, Inc. recover of the Pltf. their costs of action. (Clarence A. Brimmer-Judge)ho c/m	
11/19	76.	JOURNAL ENTRY OF JUDGMENT, filed and entered, finding for the Deft., Foretravel, Inc., and against the Pltf., M.J. Bragg. (CAB-J)v c/m	
11-26	77.	NOTICE OF APPEAL by pltf. from jury verdict of 10/26/79 and judgs. of 11/6 and 11/19/79.rm-c/m to counsel and USCA	
11-26	----	DOCKETING & FILING FEES PAID.(\$70.00) rm	
11-29	78	BILL OF COSTS of deft. SET FOR HRG BEFORE CLERK ON 12-10-79 at 10:00 a.m.(JCS-CC)ra ltr mld	
12-4	---	LETTER from 10th Circuit, assigning 79-2240. rm	
12-6	79.	NOTICE of transcript order. (Transcript to be complete by 1/5/80)rm-c/m	
12-7	80	CERTIFICATE OF DESIGNATION OF RECORD ON APPEAL, ho	
12-10	MO:	Cost hrg. held before Clerk.Upon written objs. by pltf. & oral argument, pltf. objs. sustained & costs disallowed for deft.(JCS-Clk)rm (SEE FILE 75)	

CIVIL DOCKET CONTINUATION SHEET

PLAINTIFF		DEFENDANT	DOCKET NO. 76-C-421
B. J. Bragg		Foretravel, Inc.	PAGE ____ OF ____ PAGES
DATE	NR.	PROCEEDINGS	
<u>1979</u> 12-11	81.	OBJS. by pltf. to taxing of costs and mo/deny deft. bill of costs, w/brief attached. rm (Objs. heretofore ruled on by Clerk 12/10/79)rm	
12-21	---	DEPOSITION of Donald Lee Wayne, in Nacogdoches, Texas .(\$87.80 pd by pltf.(rm	
12-21	---	DEPOSITION of James Don Moore, on behalf of pltf.(\$143 pd by pltf)rm	
<u>1980</u> 1-4	---	REPORTER'S TRANSCRIPTS OF JURY TRIAL PROCEEDINGS, had on October 24, 25 and 26, 1979 (3 vols).(G.Dorrrough-CSR) (pp.1-634)rm	
1-4	82.	TRANSCRIPT FILING CERTIFICATE OF CT. REPORTER.rm-c/m 10th Cir.	
1-4	---	APPEAL RECORD (9 vols) transmitted to 10th Circuit.rm	
<u>1981</u> 7-20	83.	MANDATE & OPINION of 10th Cir., reversing and remanding	
7-20	--	RECORD on appeal rec'd from USCA (9 vol.)hm	
7-20	--	CASE REOPENED and reassigned to Judge Thomas R. Brett. (JCS-Clk)hm	
7-24	MO	CASE SET FOR STATUS CONF. ON MANDATE on 10-6-81 at 4:00 p.m. (TRB-J)ho c/m	
10-6	MIN	PT CONF. & STATUS CONF. ON MANDATE. Parties to brief the issue of implied warranty 12-14-81 Suppl. PTO, trial briefs, Reg. Inst. & Voir Dire if desired. 12-21-81 Jury Trial at 9:30 a.m. Deft. to prepare O re: Hrg. by 10-13-81, ETT 2½ Days. (TRB-J)ho	
10-16	84	ORDER by deft re:10-6-81 PT Conf. (TRB-J) jc (c/ptys)	
12-9	85	APPLICATION of Pltf. for order of continuance of JT. pt (O)	
12-9	86	REQUESTED INSTRUCTIONS of Pltf. pt	
12-9	87	TRIAL BRIEF MEMORANDUM of Pltf. pt	
12-9	88	QUESTIONS of Pltf. on voir dire examination. pt	
12-10	89	ORDER striking this case from 12-21-81 Jury setting and resetting same for JT 1-18-82 at 9:30 a.m. (TRB-J)jc(c/ptys)	
12-22	MO	ORDERED, J/T 1-18-82 is stricken & reset 1-25-82 at 9:30 a.m. (TRB-J)ho c/m	

## CIVIL DOCKET CONTINUATION SHEET

PLAINTIFF		DEFENDANT	DOCKET NO. <u>76-C-421</u> -B
M. J. BRAGG		FORETRAVEL, INC.	PAGE <u>8</u> OF <u>4</u> PAGES
DATE	NR.	PROCEEDINGS	
1-11	90	REQUESTED Instructions of deft, Foretravel, jc	
1-11	91	TRIAL Brief of deft, Foretravel. jc	
1-25	MIN	J/T, Deft. moves for cont. ct. grants & resets 3-8-82 Voie Dire, Inst., Agreed PTO, Trial briefs. 3-15-82 J/T at 9:30 a.m (TRB-J)ho	
1-25	92	MOTION of Deft. for Cont. of J/T. ho 02BN	
2-12	93	ORDER sustaining deft's mo/contin. & case is passed to 3-15-82 for JT at 9:30 a.m.; further that ptys may supplement the PTO, their instructions, voir dire & trial briefs by 3-8-82. (TRB-J)jc(c/ptys)	
3-15	MIN	JURY TRIAL, 3-15,17,18-82, Jury returns w/verdict in favor of Deft. (TRB-J)ho	
3-18	--	EXHIBITS, one brown envelope w/file & one box in exh. room. ho	
3-18	94	INSTRUCTIONS, fld. in open ct., (TRB-J)ho	
3-18	95	VERDICT, fld. in open ct. , forms not used attached. ho	
3-19	96	JUDGMENT against the pltf & for the deft & deft recover costs of this action.(TRB-J)a ENTERED.	
3-26	97	BILL of Costs for deft agst pltf. to be taxed by Clk 4-7-82 at 10:00 a.m. jc	
4-6	--	BILL OF COSTS hrg held; costs taxed in the amt of \$150.80 for the deft.(JCS-CLK)a	
9-14	--	EXHIBITS AND DEPOSITIONS destroyed purs. to advice from pltf & deft. counsel. hm	